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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,675	01/14/2004	Gregory R. Hauler	LAC03 P327	8058
277	7590	03/07/2006	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP			JULES, FRANTZ F	
695 KENMOOR, S.E.			ART UNIT	
P O BOX 2567			PAPER NUMBER	
GRAND RAPIDS, MI 49501			3617	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/757,675

Applicant(s)

HAULER, GREGORY R.

Examiner

Frantz F. Jules

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-24, 26, 27, 29-38, 40, 41 and 43 is/are rejected.
- 7) ☒ Claim(s) 25, 28, 39, 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-24, 26-27, 29-38, 40-41 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spisak (US 4,316,638) in view of Wieczorek et al (US 6,238,007).

Spisak teaches all the limitations of claims 17-24, 26-27, 29-38, 40-41 and 43 except for a wheel cover comprising at least one boss extending inwardly from the inner surface thereof for receiving a clip and a clip attachment system with a clip having at least one aperture comprising tabs at the head thereof. The general concept of providing a wheel cover comprising at least one boss extending inwardly from the inner surface thereof for receiving a clip in a wheel cover is well known in the art as illustrated by Wiecezoorek et al which discloses the teaching of a clip attachment system of at least one boss extending inwardly from the inner surface of the wheel cover for receiving at least one aperture of a retention clip comprising tabs in a wheel cover. Also, the general concept of providing a clip attachment system with a clip comprising at least one aperture comprising tabs at the head thereof is well known in the art as illustrated by Wiecezorek et al. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Spisak to include the use of a clip attachment system with a clip

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comprising at least one aperture comprising tabs at the head thereof in his advantageous clip as taught by Wieczorek et al in order to facilitate attaching of the clip to the wheel cover. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Spisak to include the use of at least one boss (30) extending inwardly from the inner surface of the wheel cover for receiving a clip having at least one aperture at the head of the retention clip comprising tabs (48) in his advantageous wheel cover as taught by Wieczorek et al in order to achieve flexibility in securing ornamentation to a wheel using a single element thus reducing the assembly time as disclosed in col 1, lines 23-26.

***Allowable Subject Matter***

3. Claims 25, 28, 39, 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments filed 01/09/2006 have been fully considered but they are not persuasive.

A. Summary of applicant's argument

In the amendment, applicant traversed the rejection of the claims for the following reasons:

1. The references cited in the rejection cannot be properly combined to yield applicant's invention as there is no motivation found in the reference.

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2. The combination result from picking-and choosing elements from each reference as neither Sipsak nor Wieczorek et al teach, motivate or suggest that which is defined in independent claim 17.

B. Response to applicant's argument

4. In response to applicant's argument that there is no suggestion or motivation to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, an ordinarily skilled artisan would have been motivated to incorporate the teaching of "a clip attachment system of at least one boss extending inwardly from the inner surface thereof for receiving at least one aperture of a retention clip comprising tabs" and that of "a wheel cover comprising at least one boss extending inwardly from the inner surface thereof for receiving a clip" by Wieczorek et al into the wheel cover of Spisak in order to achieve among others the benefit of achieving flexibility in using the wheel cover with different size wheel.

2. Regarding applicant's argument number 2, it should be noted that the combination rejection was simply based on substituting the clip attachment system to the wheel cover of Spisak by that taught by Wieczorek et al which disclose a clip attachment system of at least one boss extending inwardly from the inner surface of a wheel cover

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for receiving at least one aperture of a retention clip comprising tabs. Applicant's contention that neither Spisak or Wieczorek et al teach, motivate or suggest that which is defined in independent claim 17 is not understood as not only that Wieczorek et al discloses a clip attachment system comprising of at least one boss extending inwardly from the inner surface of a wheel cover for receiving at least one aperture of a retention clip comprising tabs, but also it is found in col 1, lines 23-26 of the statement of "The desirability of wheel covers is, however, directly proportional to the ability to inexpensively attach the wheel cover to the wheel...". This statement provides the basis for an ordinary skilled artisan to manufacture the wheel cover of Spisak with internal projections adapted to receive clips having opening as taught by Wieczorek et al to achieve the claimed subject matter.

Moreover, it must also be recognized according to MPEP 2145 (III) that "The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference... Rather, the test is what the combined teachings of those references would have been suggested to those of ordinary skill in the art." It is not necessary that the inventions of the references be physically combinable to render obvious the invention under review." In the instant case the incorporation of "a clip attachment system with a clip comprising at least one aperture comprising tabs at the head thereof" and that of "a wheel cover comprising at least one boss extending inwardly from the inner surface thereof for receiving a clip" as taught by Wieczorek et al into Spisak will result in a wheel cover members wherein the

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lugs of an associated wheel remains exposed when the cover member is attached to the wheel.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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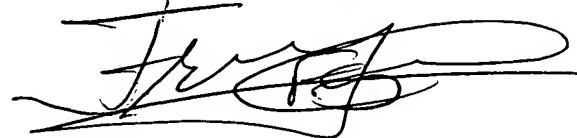
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

March 3, 2006

**FRANTZ F. JULES  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz', with a long horizontal line extending to the right.